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DEPARTMENT OF THE AIR FORCE
Headquarters US Air Force
Washington DC 20330

AF REGULATION 12-30

19 February 1975

Documentation

DISCLOSURE OF AIR FORCE RECORDS TO THE PUBLIC

This regulation outlines policy and procedure on the disclosure of records, establishes mandatory time limits, and explains how members of the public may inspect or obtain copies of Air Force records, under the Freedom of Information Act (5 U.S.C. 552, as amended by Public Law 93-502). It implements DOD Directive 5400.7 and is published in Title 32 C.F.R. 806. It applies to all Air Force activities. In case of a conflict, this regulation takes precedence over any existing Air Force directive dealing in whole or in part with the disclosure of records.

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SECTION A—GENERAL INFORMATION

1. Type of Requests Covered by This Regulation:

a. This regulation governs the disclosure of records to the general public, including military and civilian personnel who are acting as private citizens.

b. In addition to the general procedures outlined in this regulation, some records are subject to specialized or limited disclosure procedures, such as those listed here in table 1.

2. Terms Explained:

a. Denial Authority. Anyone having the authority to deny the disclosure of records requested by the public.

b. Determination. The decision either to grant or deny a request from the public for records.

c. Disclosure. The act of making a record available for inspection, or of providing a copy of the record, to the public when requested.

d. Disclosure Authority. Anyone having the authority to disclose records requested by the public.

e. Freedom of Information (FOI) Manager. The person responsible for managing the Freedom of Information Program at each level.

f. Functional Address Indicator DADF. DADF is the indicator to identify all forms of communications pertaining to requests under the Freedom of Information Act (see AFR 10-6).

g. Partial Denial. A determination that any portion of a requested record be withheld.

h. Records. For the purpose of this regulation, "records" as defined in 44 U.S.C. 3301, and quoted below, should be used as a guide:

> "As used in this chapter, 'records' includes all books, papers, maps, photographs , or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of data in them."

(1) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, and so forth, whatever their historical value as "evidence."

(2) Records are not limited to permanent or historical documents; they include contemporaneous ones as well.

(3) Formulae, designs, drawings, research data, computer programs, technical data packages, and so forth, are not considered "records" within the Congressional intent of 5 U.S.C. 552. Because of development costs, utilization, or value, these items are considered property, not preserved for informational value or as evidence of agency functions, but as exploitable resources to be utilized in the best interest of all the public.

(a) Requests for copies of such material shall be evaluated in accordance with policies expressly directed to the appropriate dissemination or use of such property.

(b) Requests to inspect such material to determine its content for informational purposes shall normally be granted, however, unless inspection is inconsistent with the obligation to protect the property value of the material, as for example, may be true for certain formulae.

3. Responsibilities. In carrying out the objectives and requirements of the Freedom of Information Act, as amended, the following responsibilities are assigned:

a. Administrative Assistant to the Secretary of the Air Force (SAF/AA). Overall responsibility within the Air Force for implementation of and compliance with the Act. Responsible for final decision of appeals (see para 23).

b. Director of Administration, HQ USAF/DA. Responsible for the administration and supervision of the policies and procedures prescribed within this regulation; for submitting the annual report; and for developing an Air Force program of instruction on the Freedom of Information Act.

c. Commanders of Major Commands and Separate Operating Agencies of the Air Force. Responsible for implementing this regulation within their commands and agencies.

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'able 1. Special Release Procedures for Certain Types of Records.

Type of Specialized Request	Governing Directive
Accident/Incident Investigation and Reports	AFR 127-4
Background, Criminal, and Counterintelligence Reports of Investigation	AFR 124-4
Civilian Personnel Records	Federal Personnel Manual, Chap 294, and AF Supplement to it
Classified Records	DOD ISPR 5200.1R/AFR 205-1
Collateral Investigations of Aircraft and Missile Accidents	AFR 110-14
Computer System Description, Programs, and Related Documentation	AFM ~~171-9~~ Sec 6 IMC 76-1
Drug/Alcohol Abuse Programs Documentation	AFR 30-2
Inspection Reports	AFR 123-1
Inspector General Investigation	AFR 120-3
Litigation	AFR 110-5
Medical Records	AFR 168-4 - IMC 76-1
Military Personnel Records	AFR ~~31-6~~ 30-4 IMC 76-1
News Media	AFR 190-12
Procurement Information Reports	Armed Services Procurement Regulations (ASPRs)
Release of Test Results on Commercial Equipment	AFR 80-24
Unclassified Records of Trials After Courts-martial	AFM 111-1

d. FOI Managers (DAD) at All Levels of the Air 'orce. Overall responsibility for controlling and processing all requests for records; for obtaining recommended determinations from the office of primary responsibility for the records requested; for collecting fees; and for submitting required reports.

e. Disclosure and Denial Authorities. Their responsibilities are set forth in para 14.

f. Office of Primary Responsibility for the Requested Record. Responsible for providing the requested record and for assisting the disclosure authority in making a determination within prescribed 10-day time limit.

g. The Office Designated by the FOI Manager To Process Requests. Responsible for control and suspense of requests and promptly making records available within the prescribed 10-day time limit.

4. Requirement for an Annual Report. The DAD at each major command and separate operating agency of the Air Force and HQ USAF/DADP must furnish an annual report on Freedom of Information Act activities during the calendar year. The Report Control Symbol is DD-PA(A)1365. The report must be submitted to HQ USAF/DAD on or before 15 January of each year. The report must include:

a. The number of requests processed under this regulation.

b. The number of determinations made not to comply with requests for records made under this regulation and the reasons for each such determination.

c. The names and titles or positions of each person responsible for the denial of records requested under this regulation, and the number of instances of participation for each.

d. The total amount of fees collected for making records available under this regulation.

e. A copy of each command supplement or other instructions issued to implement this regulation.

f. All information that indicates efforts to instruct and educate personnel and to administer fully the Freedom of Information Act.

g. Such data on the costs of processing requests under this regulation as can reasonably be ascertained or estimated.

h. Any problems incurred in implementing this regulation and any solutions for those problems.

5. Actions After the Effective Date of This Regulation. Any requests for records or administrative appeals still pending in the Air Force on the effective date will become subject to this regulation.

6. Documentation. Dispose of documentation prescribed by this directive in accordance with AFM 12-50.

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7. Programs of Instruction. HQ USAF/DAD will establish programs of instruction on the provisions and requirements of this regulation for all officials and employees who contribute to the implementation of the Freedom of Information Act.

SECTION B—POLICIES GOVERNING DISCLOSURE OF RECORDS

8. Basic Policies on Disclosure:

a. It is the policy of the Departments of Defense and the Air Force to make available to the public the maximum amount of information and records concerning their operations and activities.

b. This basic policy is subject to the necessary exemptions recognized in 5 U.S.C. 552(b); that is, certain records may need to be withheld from public disclosure, as explained in para 10. However, even when such nondisclosure is so authorized, the request for disclosure may be granted, at the sole discretion of the Air Force, if no significant and legitimate governmental purpose is served by withhholding them.

c. Determination that a record should be withheld must not be influenced by the possibility that its release might suggest administrative error or inefficiency, or might otherwise embarrass the Air Force or an official of the Air Force.

d. A request for a record is considered satisfied when one copy is provided, which may be reproduced by the requester.

9. Specific Policies on Disclosure:

a. Any "reasonably described" material (see below) in the possession of the Air Force that qualifies as a "record" (as defined in para 2h) and is not exempt from disclosure under para 10, should be made available upon written request from any person.

b. To be considered "reasonably described," the record must already exist at the time of the request; that is, there is no obligation to create a record to satisfy a request for information. However, if the information exists in the form of several records at so many different locations that gathering the information would involve excessive administrative costs, the requester should be referred to the sources at those locations.

c. A requester must be reasonably specific in identifying each record he would like made available. The Air Force is not required to permit the requester to browse through entire files or large series of records to find a record he may then "identify." The Air Force must make a reasonable effort to locate any records requested.

(1) A request for a specific record should not be denied solely because the record is maintained by computer.

(2) The request may be denied only by an official designated in table 2, as explained in section C. (Other Air Force directives may also contain specific procedures for release or denial of records; see table 1.)

d. Under 5 U.S.C. 552(a)(4(A)) and 31 U.S.C. 483a, requesters are charged the reasonable standard costs to the Air Force for searching and duplication.

(1) Charges are determined as explained here in atch 8.

(2) No charge is made to the public for the use of an established reading room or reference library.

(3) The fee shall not include the cost of determining whether the record is exempt from disclosure under para 10, or whether it would serve a significant and legitimate governmental purpose to withhold the record.

e. Official requests for records received directly from foreign governments, their representatives, or international commands, may be answered only by offices holding delegation of disclosure authority letters as described in AFR 200-9. Other Air Force recipients must send such correspondence to the foreign disclosure policy office within their major command, or to HQ USAF/CVAFI.

10. Records That May Be Withheld From Disclosure. Records or portions of records which fall in one or more of the exemptions listed in subparas a through i below are exempt from disclosure to the public. (NOTE: These subparagraphs are taken from DOD Directive 5400.7.) Nevertheless, any request for such a record will not be denied unless it is also determined that a significant and legitimate governmental purpose would be served by exercising the exemption. If only a portion of the record is determined to be exempt, the rest of the record must be disclosed (see para 11).

a. Those properly and currently classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by Executive Order and implemented by regulations.

b. Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or to the internal practices of the Air Force, if their release to the public would substantially hinder the effective performance of a significant function of the Air Force.

(1) Operating rules, guidelines and manuals for Air Force investigators, inspectors, auditors, or examiners, and certain schedules or methods of operation which would reveal:

(a) Negotiating and bargaining techniques.

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Table 2. Disclosure Authority for Specialized Requests.

Specialized Type of Record	*Who Is the Disclosure Authority*
1. For use in litigation	The Judge Advocate General, or other authority listed in AFR 110-5
2. Records of trial after courts-martial	The Judge Advocate General, or other authority listed in AFR 111-2
3. Medical Records	The director, base medical services, or a designated medical officer, subject to the requirements of AFM 168-4
4. Inspector General Report of Investigation	As outlined in AFR 120-3
5. Inspection Reports	As outlined in AFR 123-1
6. Primary accident/incident investigations (excludes ground/explosive accidents)	As outlined in AFR 127-4
7. Collateral accident/incident investigations	As outlined in AFR 110-14
8. AF Office of Special Investigation reports of investigation	As outlined in AFR 124-4
9. Classified Records	The original classifier or the office currently responsible for the classification of the subject matter pursuant to DOD ISPR 5200.1R

(b) Bargaining limitations and positions.
(c) Inspection schedules and methods.
(d) Audit schedules and methods.

(2) Personnnel and other administrative matters such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement, or promotion.

c. Those containing information which statutes authorize or require be withheld from the public. The authorization or requirement may be found in the terms of the statute itself or in Executive Orders or regulations authorized by, or in implementation of, a statute.

(1) Trade, technical, and financial information provided in confidence by businesses.

(2) National Security Agency information.

(3) Any records containing information relating to inventions which are the subject of patent applications on which the Patent Secrecy Orders have been issued.

(4) The Privacy Act of 1974.

(5) Restricted Data and Formerly Restricted Data.

d. Those containing trade secrets or commercial or financial information which the Air Force receives from a person with the understanding that it will be retained on a privileged or confidential basis in accordance with customary handling of such records. Such records are those the disclosure of which would cause substantial harm to the competitive position of the person providing the information; impair the Government's ability to obtain necessary information in the future; or impair some other legitimate governmental interest. Examples include records which contain:

(1) Commercial or financial information received in confidence in connection with loans, bids, contracts, or proposals, as well as other information received in confidence, or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(2) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures, if offered and received in confidence from a contractor or potential contractor.

(3) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges

(4) Personal statements given in the course of inspections, investigations, or audits, where such statements are received in confidence from the individual and retained in confidence because they cover trade secrets or commerical or financial information normally considered confidential or privileged, or because they are essential to an effective inspection, investigation, or audit.

(5) Data provided in confidence by private employers in connection with locality wage surveys which are used to fix and adjust pay schedules applicable to prevailing rate employees within the Air Force.

e. Except as provided in subparas (2) through (5) below, internal communications within and among agencies and components.

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(1) Examples include:

(a) Staff papers containing staff advice, opinions, or suggestions.

(b) Information received or generated by the Air Force preliminary to a decision or action, including draft versions of documents, where premature disclosure would interfere with the orderly conduct of government. (Preliminary or draft documents received from other governmental organizations are not Air Force records and may not be released by the Air Force without the agreement of the organization.)

(c) Advice, suggestions, or reports prepared on behalf of the Air Force by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by the Air Force to obtain advice and recommendations, or by individual consultants.

(d) Those portions of Air Force evaluations of contractors and their products which contain recommendations or advice by government employees about the contractor or product.

(e) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(f) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before any federal, state or military court or before any regulatory body.

(g) Reports of inspections, audits, investigations or surveys which pertain to safety, security, or the internal management, administration, or operation of the Air Force.

(2) If any such intra- or inter-agency record, or reasonably segregable portion of such record would routinely be made available through the discovery process in the course of litigation with the Air Force, (that is, the process by which litigants obtain information from each other that is relevant to the issues in a trial or hearing) then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the Air Force in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(3) Intra- or inter-agency memorandums or letters which are factual, or those reasonably segregable portions which are factual, are routinely made available through discovery, and should, therefore, be made available to a requester unless the factual material is otherwise exempt from release.

(4) A direction or order from a superior to a subordinate, though contained in internal communication is generally not withholdable from a requester if it constitutes policy guidance or a decision, as distinguished from a discussion of preliminary matters that would compromise the decision-making process.

(5) An internal communication concerning a decision which subsequently has been made a matter of public record should normally be made available to a requester when it furnishes the best support, explanation, or rationale for the decision.

f. Information in personnel and medical files, as well as information in similar files that, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy.

(1) Examples of files similar to personnel and medical files include:

(a) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military or industrial, for security clearances, or for access to particularly sensitive classified information.

(b) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

(2) In determining whether the release of information would result in a "clearly unwarranted invasion of personal privacy," consideration should be given to the stated or assumed purpose of the request. When determining whether a release is "clearly unwarranted," the public interest in satisfying this purpose must be balanced against the sensitivity of the privacy interest being threatened.

(3) When the only basis for withholding information is protection of the personal privacy of an individual who is the subject of the record, the information should not be withheld from him or from his designated legal representative. A clearly unwarranted invasion of the privacy of others appearing in that record may, however, constitute a basis for deleting reasonably segregable portions of the record even when providing it to the subject of the record.

(4) An individual's personnel, medical, or similar files may be withheld from him or from his designated legal representative only to the extent consistent with the Privacy Act of 1974, after its effective date of 27 September 1975.

g. Those investigative records compiled for the purpose of enforcing civil, criminal, or military law, including the implementation of Executive

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Orders, or regulations validly adopted pursuant to law.

(1) But only to the extent that their release would:

(a) Interfere with enforcement proceedings;

(b) Deprive a person of the right to a fair trial or an impartial adjudication;

(c) Constitute an unwarranted invasion of personal privacy;

(d) Disclose the identity of a confidential source;

(e) Disclose confidential *information* furnished only from a confidential source obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation;

(f) Disclose investigative techniques and procedures not already in the public domain and requiring protection against public disclosure to insure their effectiveness;

(g) Endanger the life or physical safety of law enforcement personnel.

(2) Examples include:

(a) Statements of witnesses, and other material developed during the course of the investigation, and all materials prepared in connection with related government litigation or adjudicative proceedings.

(b) The identity of firms or individuals suspended from contracting with the Air Force or being investigated for alleged irregularities when no indictment has been obtained nor any civil action filed against them by the United States.

(c) Information obtained in confidence, expressed or implied, in the course of (a) a criminal investigation by a criminal law enforcement agency or office within the Air Force; or (b) a lawful national security intelligence investigation conducted by an authorized agency or office within the Air Force for the purpose of obtaining:

1. Affirmative or counter intelligence information, or

2. Background investigation information needed to determine suitability for employment or eligibility for access to classified information.

(3) The right of individual litigants to investigative records currently available by law is not diminished.

(4) When the subject of an investigative record is the requester of that record, it may be withheld after 27 September 1975, only in accordance with regulation implementing the Privacy Act of 1974. After 27 September 1975, the effective date of the Privacy Act of 1974,, the identity of the source of information obtained in confidence may be withheld in accordance with an implied or express promise of confidentiality given prior to that date and in accordance with an express promise of confidentiality after that date. *Information* from which the confidential source can be deduced may also be withheld.

h. Those contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

i. Those containing geological and geophysical information and data (including maps) concerning wells.

11. Partial Denial. Exempt portions of a requested record should be deleted and the remaining reasonably segregable portions should be disclosed to the requester. If the meaning of the nonexempt portions is distorted by the deletions, or if the nonexempt portions indirectly reveal the exempt portions of the record, those nonexempt portions which result in the distortion or revelation do not need to be disclosed.

a. Here, "reasonable segregation" means segregating the record by the portions that were separately evaluated under a system for designating exempt portions at the time the record was originated. (To illustrate, see how certain paragraphs in DOD ISPR 5200.1R have been designated as classified information.)

b. Each deletion shall be fully justified in writing. If any part of a requested record is withheld it is considered a partial denial, and paras 13b and c apply.

SECTION C—DISCLOSURE AND DENIAL AUTHORITIES

12. Disclosure Authorities. The authority to disclose records of a routine nature, such as standard publications, photographs and local reports, may be delegated to a lower level than indicated below. This level however, must be high enough to insure that releases are made by a responsible authority and according to the policy outlined here.

a. Except for the types of records listed in table 2, or as specifically authorized by other Air Force directives, the following officials have authority to disclose records:

(1) Chiefs of Offices at directorate or higher level at HQ USAF.

(2) Commanders at major command or separate operating agency of the Air Force. This authority may be delegated to directorate or comparable level at major command headquarters and to the level of installation, wing or comparable commanders.

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b. The officers and officials listed in table 2 have authority to disclose or deny the specific types of records cited, if appropriate under this regulation.

13. Denial Authorities. The authority to deny the disclosure of records to the public will not be delegated to a lower level than specified below unless approved by SAF/AA. Such request will be forwarded to HQ USAF/DA.

a. Only the following officials or their designee have the authority to deny the release of records:

(1) Deputy chiefs of staff and chiefs of comparable offices or higher level at HQ USAF.

(2) Commanders of major commands or of separate operating agencies of the Air Force.

b. These denial authorities will, however, consult with the Staff Judge Advocate before making a determination to deny, or partially deny, a request for the disclosure of records.

14. Responsibilities of Disclosure and Denial Authorities:

a. The officials who have been designated as disclosure and denial authorities (see paras 12 and 13) will:

(1) Consider that a request is "received" by the Air Force when it is received by the DAD responsible for processing such requests; also within 10 days after its receipt (except Saturdays, Sundays, and legal public holidays), determine whether or not to comply with the request. Failure to make a determination within the time limits, permits the requester to seek immediate judicial action.

(2) Immediately notify the person making the request of this determination. If this determination is adverse, notify the requester of the reason, and of the right to appeal. (See atch 4 for a sample denial letter; also see para 23, for the appeal procedure.)

(3) In unusual circumstances, as outlined in para 19, notify the requester (see sample letter, atch 7) that the processing will require an administrative extension of up to 10 workdays (except Saturdays, Sundays, and legal public holidays).

(4) Make a timely determination on whether to approve or deny a request. If the determination cannot be met within the time limits, notify the next highest command in writing, signed by the proper authority, and explain the reason for not complying with the time limit. Send an information copy of this notification to HQ USAF/JACL, Wash DC 20314 and HQ USAF/DAD, Wash DC 20330, together with a copy of the request.

b. The official who denies a request must send a copy of the denial to HQ USAF/JACL, Wash DC 20314, together with a copy of the incoming request. The notice of denial must state the name and title or positon of the official who denied the release.

SECTION D—PROCESSING REQUESTS FOR RECORDS

15. Use of Functional Address Indicator. The functional address indicator DADF will be used throughout the Air Force to designate the office responsible for processing all Freedom of Information requests for records from the public.

16. Responsibilities of the Freedom of Information Manager.. Documentation management officers and documentation managers at all levels of the Air Force are designated as Freedom of Information Managers. The Freedom of Information Manager has the overall responsibility for the processing of all requests for records.

17. Responsibilities of the DAD. Within each activity, the DAD is the office of responsibility for processing requests for records. As such, it will:

a. Be the focal point for:

(1) Receiving and processing requests for records, as explained below (para 18).

(2) Providing facilities and services for inspecting, copying, and furnishing extra copies of records.

(3) Collecting fees and charges, if appropriate. Charge for publications and forms and for searching and duplicating records according to attachment 8. If a request is received for a publication that the AFR 0-series indicates is on sale at the Government Printing Office, inform the requester that:

(a) A copy will be provided for him at the prevailing rate, if he desires; but

(b) He may be able to purchase the document at a lower price from the Superintendent of Documents, US Government Printing Office, Wash DC 20402.

b. Make available to the general public, the reference use of master publication libraries established under AFR 5-31. Do not charge for the use of normal library research services.

(1) If the document requested is a departmental publication that has been marked "FOR OFFICIAL USE ONLY" in accordance with AFR 12-31, transfer the request to HQ USAF/DADF for a response under the policies outlined here (see especially para 19c for guidance).

(2) If the document requested is a departmental publication that has not been marked "FOR OFFICIAL USE ONLY," make it available promptly, without review.

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(3) If the publication contains copyrighted material, it may be made available for public inspection, but because the sale or copying of such publications may be restricted, refer the request to OPR for processing under AFR 110-8.

c. Establish coordination and local working agreements between administrative reference libraries and other functional areas that maintain technical, professional, and specialized types of documentation.

d. Notify the requester that the request cannot be satisfied if the record is not reasonably described. Request that, if possible, the requester send further identification. This kind of notification is not considered a denial under para 10.

e. Send requests promptly and direct to other Government agencies if the requested record is in their possession. Notify the requester of the referral. If the request is for copies of material primarily concerning a member of Congress or a Congressional committee, or for transcripts of testimony given before a Congressional committee, refer the requester to the member or committee involved.

18. Processing Procedures. When a request is received for disclosure of records under the Freedom of Information Act, DAD will:

a. Record the date and time the request was received, and assign a suspense date to the request.

b. Acknowledge receipt of request if 10 workdays or more have elapsed between the postmark date on the request and the date received, or where unusual problems are readily apparent. Acknowledgment of routine requests is not necessary.

c. Refer the request to the office that has possesion of the record, and any other office that should be consulted (for example, the Staff Judge Advocate) in determining whether to disclose the record or deny the request.

d. Notify the information officer, if the request asks for records that contain potentially newsworthy material, or if the request is received from a representative of the news media.

e. If the records have been retired to a records center (or other repository), take the action outlined in AFM 12-50, chap 9, and in the attachments to that directive.

f. Consult with higher headquarters or other activities that have an interest in the requested material (or ask the office of primary responsibility to do this). For example, if the document is one that the Air Force received, it may be proper to consult the originator; conversely, if the Air Force originated the document, it may be proper to consult the recipient, in determining whether it should be released.

g. If the disclosure authority determines that the Air Force may make the material available, take one of the following actions:

(1) If the requester asked to inspect the record, tell him where and when it may be inspected. Inform him of the amount of the fee, if one is to be charged under atch 8.

(2) If the requester asked for a copy of the record, inform him of the fee required under atch 8, and explain that DAD will furnish the copy upon payment. If the request is urgent, he may be given the copy before payment.

h. If the disclosure authority is not authorized by para 12 to deny the request, DAD should send the proposed denial directly to the proper denial authority for decision; it will include the case file and a statement of reasons for not disclosing the requested material. This referral must be given the highest priority action, because the denial authority must make this determination within the prescribed time limits.

i. The denial authority makes the determination to disclose or deny the request for records within the prescribed time limitations.

19. Notice of Administrative Extension. In unusual circumstances, the FOI Manager has the authority to authorize an administrative extension of the time limit for processing a request, by giving written notice to the requester, explaining the reason for the extension, and the date on which a notice of determination is expected to be dispatched. The notice will not specify a date that would be an extension of more than 10 workdays (except Saturdays, Sundays, and legal public holidays). Copies of this written notice must be sent to the next highest command with information copies to HQ USAF/JACL and DAD, Wash DC 20330. (See sample letter in atch 7.) "Unusual circumstances" means:

a. The need to search for and collect the requested records from field facilities or other establishments that are separate from the installation processing the request.

b. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

c. The need for consultation, which must be conducted with all practicable speed.

(1) With another agency having a substantial interest in the determination of the request, or

(2) Among two or more geographically separated installations of the Air Force having substantial subject matter interest therein.

20. Expedited Handling Required. The Air Force will give highest priority at each echelon to the handling of any request from a member of the

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public to inspect or copy records. Each Air Force office should make every effort to avoid creating procedural obstacles and compensate for internal Air Force organizational problems, for example, when a reorganization (or transfer of function) contributes to an improperly directed request. Specifically:

a. If an office receives an improperly directed request for records, it must notify the proper DADF office immediately, and ask for instructions on how to refer the request.

b. All Air Force personnel must make every reasonable effort to assist requesters in directing requests for records to the proper authorities (see AFR 11-25).

SECTION E—HOW THE PUBLIC SUBMITS REQUESTS FOR RECORDS

21. Identify Material Requested. Requests to inspect or obtain copies of records will be made in writing. The request should contain at least the following information:

a. An identification as complete as possible of the desired material, including (if known) its title, description, its number, date, and the issuing authority.

b. If the request concerns a matter of official record about civilian or military personnel, the request must identify the person as follows: first name, middle name or initial, and surname; date and place of birth; and social security account number (or Air Force service number), if known.

c. A statement as to whether the requester wishes to inspect the record or obtain a copy of it.

d. If the request is for information which is part of a military service record, the request may be submitted on a Standard Form 180, Request Pertaining to Military Records. Any agency may furnish copies of the SF 180 to the public to facilitate an unofficial inquiry, or may direct a nongovernmental organization to the Superintendent of Documents to purchase quantities of the form.

22. Addressing Requests. To expedite processing, requesters should address their requests as shown in table 3. In addressing correspondence concerning their request for records to any Air Force activity, requesters should use the functional address indicator DADF (DADF is the standard Air Force-wide symbol to identify a request for records under the Freedom of Information Act). The mandatory time limit does not begin until the request is received by the proper DADF responsible for processing the request.

Table 3. Where To Send Requests.

Nature of Request	*Address the Request to:*
For matters of official record, for use in litigation	HQ USAF/JACL (thru HQ USAF/DADF) Wash DC 20330; or thru DADF at the activity where the record is located.
For matters of record concerning civilian employees currently employed by the Air Force	The civilian personnel officer (thru DADF) of base or activity where the civilian is employed.
For matters of record concerning civilian employees no longer employed by the Federal service	National Personnel Records Center, GSA (Civilian Personnel Records), 111 Winnebago St, St Louis MO 63118.
For matters of record concerning members and former members of the Air Force, Air Force Reserve, or Air National Guard	See table in atch 2 on where to address these inquiries.
For standard publications (that is, regulations, etc., as defined in AFM 5-1)	The DADF at nearest Air Force installation (see map in atch 1), except: for the District of Columbia, to HQ USAF/DADF, Wash DC 20330; and for remainder of the Metropolitan Washington DC area, to HQ COMD/DADF, Bolling AFB, Wash DC 20332.
For Air Force technical, supply and engineering publications and data	See reference table in atch 3.
For major command standard (that is, administrative) publications	The DADF at the major command headquarters.
For reports of investigation compiled by the Air Force OSI	HQ AFOSI/DADF, Forrestal Building, Wash DC 20314.
For audiovisual materials (still photographs, motion pictures, and audio recordings) held at USAF depositories	HQ USAF (SAF/OIPL) thru AF/DADF, Wash DC 20330.
For other records, where the location is known	The DADF where the record is located.
For other records, where the location is not known	HQ USAF/DADF, Wash DC 20330.

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SECTION F—APPEALS FROM DENIALS TO MAKE RECORDS AVAILABLE

23. Filing an Appeal:

a. When a request to copy or inspect a record has been denied, the requester may appeal the denial, separately in writing, to the Office of the Secretary of the Air Force, within 45 days of denial.

(1) A requester will not be considered to have exhausted his administrative remedies within the Department of the Air Force unless such an appeal has been filed and a secretarial decision made on that appeal. That decision is the final Air Force action on the request. (See exception in (2) below.)

(2) The requester will also be deemed to have exhausted his administrative remedies within the Air Force, if the Air Force fails to comply with the time limits prescribed here.

b. The requester should address the appeal to the Office of the Secretary of the Air Force, and send it through the denial authority who denied the request. (For example, if HQ AFLC denied the request, the requester should send the appeal to the Office of the Secretary of the Air Force, through, Commander, AFLC, Wright-Patterson AFB OH 45433.) The appeal should outline the requester's arguments and reasons for submitting the appeal. The appeal may not be made in person, except at the discretion of the Secretary of the Air Force.

c. The denial authority will send the appeal to HQ USAF/JACL promptly for processing, together with a copy of the requested record. (If the requested record is too bulky to send, describe it sufficiently to permit a proper determination on the request.) If the initial time limit was extended, give the number of additional days used in making the determination. HQ USAF/JACL will either release the requested record or forward the appeal to the Office of the Secretary , SAF/AA, for final determination.

d. Within 20 workdays (except Saturdays, Sundays, and legal holidays) after the appeal is received by the Office of the Secretary of the Air Force, a determination will be made on that appeal.

(1) If the denial is upheld, in whole or in part, the Secretary's office will notify the requester of that determination, explain the reasons for the denial, and inform the requester of his right to a judicial review of that determination, upon complaint to the District Court of the United States in one of the following places: in the district where the requester resides; in the district where the requester's principal business is located; in the district where the Air Force records are situated; or in the District of Columbia.

(2) If the appeal is granted, OSAF will advise the requester in writing.

(3) If the final denial is based in whole or part on a security classification, the requester will be advised of his optional right to seek declassificaion of the record by the Interagency Classification Review Committee in lieu of immediate judicial review.

BY ORDER OF THE SECRETARY OF THE AIR FORCE

OFFICIAL

DAVID C. JONES, General, USAF
Chief of Staff

JACK R. BENSON, Colonel, USAF
Director of Administration

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This revision establishes procedures to permit more rapid access to releasable information, outlines new policy on determining what is releasable under the Freedom of Information Act, as amended. It is a complete revision of the previous version of this regulation.

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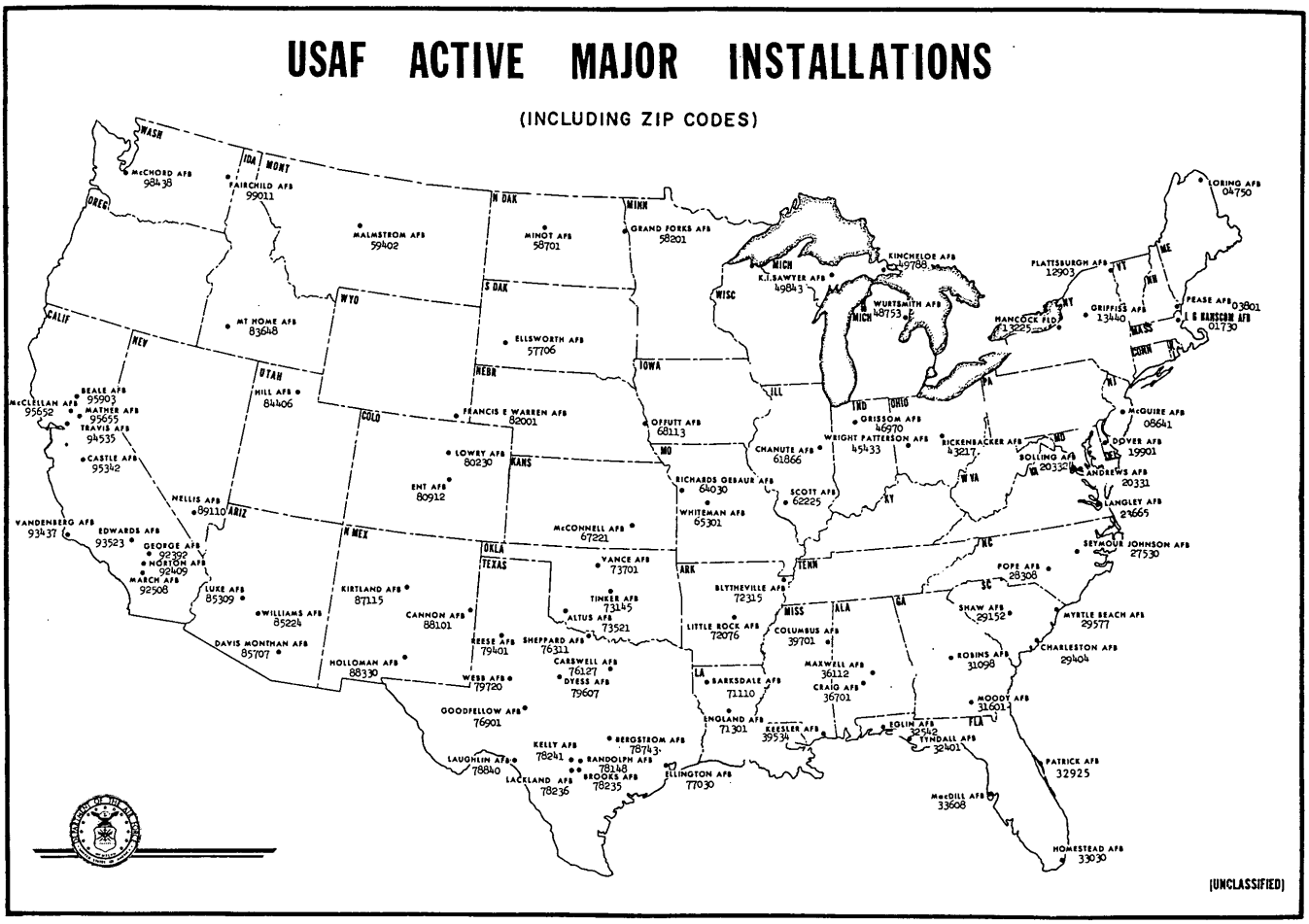

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Where To Address Requests for Records of Military Personnel

NOTE: Records of members and former members of the Air Force are maintained in different locations, depending on the member's current status. Address requests for such records to the address indicated in this table.

Present Military Status	*Present/Past Military Rank*	*Proper Address*
1. On extended active duty	A commissioned officer or warrant officer	Organization of assignment, if known; otherwise, to: AFMPC/DPMDRO (DADF) Randolph AFB TX 78148
2. On extended active duty	An airman	Organization of assignment, if known; otherwise, to: AFMPC/DPMDRA (DADF) Randolph AFB TX 78148
3. A member of the AF Reserve, not on extended active duty	A commissioned officer, warrant officer, or airman	ARPC/DADF 3800 York St Denver CO 80205
4. A member of the Air National Guard, not on extended active duty	A commissioned officer or warrant officer	ARPC/DADF 3800 York St Denver CO 80205
5. A member of the Air National Guard, not on extended active duty	An airman	Adjutant General of the State (or District of Columbia or Commonwealth of Puerto Rico)
6. Retired for temporary disability	A commissioned officer or warrant officer	AFMPC/DPMDRO (DADF) Randolph AFB TX 78148
7. Retired for temporary disability	An airman	AFMPC/DPMDRA (DADF) Randolph AFB TX 78148
8. Retired with pay	A general officer	AFMPC/DPMDRO (DADF) Randolph AFB TX 78148
9. Retired with pay	Other than a general officer	National Personnel Records Center (Military Personnel Records) 9700 Page Blvd St Louis MO 63132
10. Former member, no longer has an Air Force affiliation	A commissioned officer, warrant officer, or airman	National Personnel Records Center (Military Personnel Records) 9700 Page Blvd St Louis MO 63132
11. Unknown	Unknown	AFMPC/DPMDRM (DADF) Randolph AFB TX 78148

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Where To Address Requests for Air Force Technical, Supply, and Engineering Publications and Data

Type of Publication	*Proper Address*
1. Air Force Technical Orders (TOs): If the specific TO number is unknown, describe the desired TO, including the name of the equipment, manufacturer, model, serial, part number, and any other identifying information on the particular equipment	Oklahoma City ALC/DADF Tinker AFB OK 73145 (or the prime ALC for the specific TO, if known)
2. Air Force Technical Reports (TRs), when specific source is unknown	NTIS 5285 Port Royal Road Springfield VA 22151 Exception: for DDC users, to: DDC, Cameron Station Alexandria VA 22314
3. USAF and DOD Federal Supply Catalogs and related catalog publications indexed in USAF S-2A-1 (see exceptions in 4 below)	AFLC/DADF Wright-Patterson AFB OH 45433
4. Cataloging Handbooks (H2-1, H2-2, H-3, etc.) and Federal manuals for supply cataloging (M1-1, M1-2, M1-3, etc.) and Master Cross Reference Indexes, CRL-1 and CRL-2	Superintendent of Documents US Government Printing Office Washington DC 20402
5. Engineering Drawing and Associated Lists	AFLC/DADF Wright-Patterson AFB OH 45433
6. Armed Services Procurement Regulations (ASPRs) and Air Force Supplements to ASPRs	Superintendent of Documents US Government Printing Office Washington DC 20402
7. AF Publications pertaining to Automated Data Systems	AFDSDC/DADF Gunter AFS AL 36114
8. Specifications, Standards, Military Handbooks, etc. indexed in the DOD Index of Specifications and Standards (DOD-ISS) (see exception in item 9 below)	Naval Publications and Forms Center 5801 Tabor Ave Philadelphia PA 19120
9. The index to DOD-ISS in item 8 above (including part 1, alphabetical listing, and part 2, numerical listing)	Superintendent of Documents US Government Printing Office Washington DC 20402

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SAMPLE FORMAT FOR LETTER DENYING REQUEST FOR ACCESS TO, OR FOR OBTAINING COPY OF, RECORDS

Office Symbol

Request for Copy of (or inspection of) (identify the information being requested)

_____

(Requester's name and address)

1. (The) (a portion of the) record(s) (information) requested in your letter of (date) is exempt from disclosure under Pub. L. 90-23, 5 U.S.C. 552(b). It is not releasable because it contains information that (copy from or summarize the applicable subparagraphs of paragraph 10, AFR 12-30).

2. The decision to withhold release of this record(s) (information) may be appealed in writing to the Secretary of the Air Force within 45 days from the date of this letter. Include in your appeal any reasons for reconsideration you wish to present, and attach a copy of this letter. Address your letter as follows: Secretary of the Air Force, thru (Example: HQ AFLC, Wright-Patterson AFB OH 45433). NOTE: If this is a partial denial of the request, add the following paragraph if copies of releasable records are to be sent.

3. Copies of the releasable portion of the record(s) (information) you requested (are attached) (will be sent by separate letter). NOTE: Justify any deletions made in records provided. (Copy from or summarize the applicable subparagraphs of paragraph 10, AFR 12-30.)

_____

(Signature of authorized denial authority)

_____

(Stamped (or typed) name, position, title, and office of denial authority)

NOTE: Vary the format to fit the situation. Prepare an individual letter in each case, and send it in duplicate, by first class mail. Do not use a form for this communication.

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SAMPLE FORMAT FOR LETTER COMPLYING WITH REQUEST

Office Symbol

Request for Copy of (or inspection of) (identify the record being requested)

_____

(Requester's name and address)

1. A determination has been made that the record(s) requested in your letter of (date) is releasable under the Freedom of Information Act, 5 U.S.C. 552.

2. Air Force Regulation 12-30 requires that a charge of _____ be assessed for providing these records. Please make your check in this amount payable to the "Treasurer of the United States" and forward it to _____. Upon receipt of your check, the records you requested will be promptly made available.

3. Copies of the record(s) (information) you requested (are attached) (will be promptly made available by separate letter).

_____

(Signature of authorized disclosure authority)

_____

(Stamped (or typed) name, position, title, and office of disclosure authority)

NOTE: Vary the format to fit the situation. Prepare an individual letter in each case, and send it in duplicate, by first class mail. Do not use a form for this communication.

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SAMPLE FORMAT FOR LETTER NOTIFYING REQUESTER OF MISDIRECTED REQUEST

Office Symbol

Request for Copy of (or inspection of) (identify the information being requested)

_____

(Requester's name and address)

1. Your letter of (date) requesting records(s) (information) was misdirected. Your request for record(s) (information) has been forwarded to: (activity to which the request was referred).

2. A determination will be made in regard to whether the record(s) (information) you requested will be released or withheld from disclosure under the Freedom of Information Act, 5 U.S.C. 552, within 10 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of your request by the proper authority responsible for processing your request.

3. For your future reference, requests for similar record(s) (information) should be addressed to: (Example: HQ AFLC/DADF, Wright-Patterson AFB OH 45433).

_____

(Signature of authorized DADF authority)

_____

(Stamped (or typed) name, position, title, and office of DADF authority)

NOTE: Vary this format to fit the situation, but prepare an individual letter in each case. Send it in duplicate, by first class mail. Do not use a form for this communication. The requester may also be informed to communicate direct with the activity to which the request was referred.

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SAMPLE FORMAT FOR LETTER NOTIFYING REQUESTER OF EXTENSION OF TIME

Office Symbol

Request for Copy of (or inspection of) (identify the information being requested)

_____

(Requester's name and address)

1. Your letter, (date) was received on (date). A time extension has been found necessary for the proper processing of the record(s) requested under the Freedom of Information Act, 5 U.S.C. 552, for the following reason:

( ) (a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the installation processing the request;

( ) (b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in your request;

( ) (c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more geographically separated installations of the Air Force having substantial subject matter interest therein.

2. A determination is expected to be made regarding your request by (date).

_____

(Signature of authorized DADF authority)

_____

(Stamped (or typed) name, position, title, and office of DADF authority)

NOTE: This format must not be changed. Specify a date that will not result in an extension for more than 10 workdays. Send the letter in duplicate, by first class mail. Never use a form for this communication.

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SCHEDULE OF FEES FOR SEARCHING AND DUPLICATING UNDER THE FREEDOM OF INFORMATION ACT

1. Publications, Forms, and Reports:

a. Shelf stock of printed or microfiche medium. Requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage.

Minimum fee, per request	$2.00
Plus:	
Forms, per copy	.05
Publications, per printed page	.01
Microfiche, per fiche	.06
Reports, per printed page	.05

Examples: Cost of 20 forms, $3 (that is, $2, plus 5 cents per page); cost of a printed publication with 100 pages, $3 (that is, $2, plus 1 cent per page); cost of a microfiche publication consisting of 10 fiche, $2.60 (that is, $2, plus 6 cents per fiche).

b. Office copy reproduction (when shelf stock is not available):

Minimum charge up, to six reproduced pages	$2.00
Minimum charge, first fiche	5.00
Each additional page	.05
Each additional fiche	.10

c. Duplication of other issuances:

Minimum charge, up to six pages	$2.00
Each additional page	.05

2. Search Fees:

Clerical search, per hour	~~$6.50~~
Minimum charge	3.50
Professional search (includes computer programmer time and review to determine whether a record comes within the scope of a request) per hour	~~12.00~~
Minimum charge	10.00

NOTE: Computer service charges are to be based on the actual computer configuration used, and based only on direct costs for the use of the central processing unit, plus input/output devices, plus memory capacity.

3. Exceptions. No fee should ordinarily be charged if the requester is an indigent; if the fee amounts to less than $3; if the record is not located; or if the record is determined to be exempt from disclosure.

a. In general, charges *may* be waived in the public interest when:

(1) The recipient of the benefits is engaged in a nonprofit activity designed for public safety, health or welfare;

(2) Payment of the full costs or fee is by a state, local government or nonprofit group that would be considered as primarily benefiting the general public.

(3) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

b. A refusal to waive charges by the official responsible for the initial decision on the request may be appealed to the Secretary of the Air Force, or his designee, for final approval.

4. Collections:

a. Fees will ordinarily be collected in advance of rendering the service. In some instances, it may be more practical to collect the fees at the time the service or property is conveyed to the recipient, but only when the request specifically states that whatever cost involved will be acceptable, or acceptable up to a specified limit that will cover the anticipated cost.

b. Collection of scheduled fees will normally be deposited to Miscellaneous Receipts of the Treasury.

c. Search fees are assessable even when no records responsive to the request (or no records not exempt from disclosure) are found, provided the requester is advised of this requirement, at the time the estimated charges are presented to the requester for approval, and he agrees to incur the costs of search.

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